

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 217 be amended to read as follows:

- 1 Page 3, between lines 10 and 11, begin a new paragraph and insert:
- 2 "SECTION 2. IC 9-13-2-1.7 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: Sec. 1.7. "Aggressive driving", for
- 5 purposes of IC 9-21-8-55, has the meaning set forth in IC
- 6 9-21-8-55(a).
- 7 Page 4, between lines 35 and 36, begin a new paragraph and insert:
- 8 "SECTION 5. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE
- 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2005]: Sec. 55. (a) For purposes of this section, a person
- 11 engages in aggressive driving if, during one (1) episode of
- 12 continuous driving of a vehicle, the person does at least three (3) of
- 13 the following:
- 14 (1) Following a vehicle too closely in violation of IC 9-21-8-14.
- 15 (2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.
- 16 (3) Overtaking another vehicle on the right by driving off the
- 17 roadway in violation of IC 9-21-8-6.
- 18 (4) Unsafe stopping or slowing a vehicle in violation of
- 19 IC 9-21-8-26.
- 20 (5) Unnecessary sounding of the horn in violation of
- 21 IC 9-19-5-2.
- 22 (6) Failure to yield in violation of IC 9-21-8-29 through
- 23 IC 9-21-8-34.
- 24 (7) Failure to obey a traffic control device in violation of
- 25 IC 9-21-8-41.

1 **(8) Driving at an unsafe speed in violation of IC 9-21-5.**

2 **(9) Repeatedly flashing the vehicle's headlights.**

3 **(b) A person who knowingly or intentionally engages in**
 4 **aggressive driving commits aggressive driving, a Class A**
 5 **misdemeanor."**

6 Page 5, delete lines 12 through 42, begin a new paragraph, and
 7 insert:

8 "SECTION 7. IC 35-42-2-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this
 10 section, "hazing" means forcing or requiring another person:

11 (1) with or without the consent of the other person; and

12 (2) as a condition of association with a group or organization;
 13 to perform an act that creates a substantial risk of bodily injury.

14 (b) A person who recklessly, knowingly, or intentionally performs:

15 (1) an act that creates a substantial risk of bodily injury to another
 16 person; or

17 (2) hazing;

18 commits criminal recklessness. Except as provided in subsection (c),
 19 criminal recklessness is a Class B misdemeanor.

20 (c) The offense of criminal recklessness as defined in subsection (b)
 21 is:

22 (1) a Class A misdemeanor if the conduct includes the use of a
 23 vehicle;

24 (2) a Class D felony if:

25 **(A) it is committed while armed with a deadly weapon; or**

26 **(B) the person committed aggressive driving (as defined in**
 27 **IC 9-21-8-55) and caused serious bodily injury to another**
 28 **person; or**

29 (3) a Class C felony if:

30 **(A) it is committed by shooting a firearm from a vehicle into**
 31 **an inhabited dwelling or other building or place where people**
 32 **are likely to gather; or**

33 **(B) the person committed aggressive driving (as defined in**
 34 **IC 9-21-8-55) and caused the death of another person.**

35 (d) A person who recklessly, knowingly, or intentionally:

36 (1) inflicts serious bodily injury on another person; or

37 (2) performs hazing that results in serious bodily injury to a
 38 person;

39 commits criminal recklessness, a Class D felony. However, the offense
 40 is a Class C felony if committed by means of a deadly weapon.

41 (e) A person, other than a person who has committed an offense
 42 under this section or a delinquent act that would be an offense under
 43 this section if the violator was an adult, who:

44 (1) makes a report of hazing in good faith;

45 (2) participates in good faith in a judicial proceeding resulting
 46 from a report of hazing;

47 (3) employs a reporting or participating person described in

- 1 subdivision (1) or (2); or
 - 2 (4) supervises a reporting or participating person described in
 - 3 subdivision (1) or (2);
 - 4 is not liable for civil damages or criminal penalties that might otherwise
 - 5 be imposed because of the report or participation.
 - 6 (f) A person described in subsection (e)(1) or (e)(2) is presumed to
 - 7 act in good faith.
 - 8 (g) A person described in subsection (e)(1) or (e)(2) may not be
 - 9 treated as acting in bad faith solely because the person did not have
 - 10 probable cause to believe that a person committed:
 - 11 (1) an offense under this section; or
 - 12 (2) a delinquent act that would be an offense under this section if
 - 13 the offender was an adult."
 - 14 Delete page 6.
 - 15 Page 7, delete lines 1 through 7.
 - 16 Page 7, line 8, after "2005]" insert "**IC 9-21-8-55, as added by this**
 - 17 **act, and**".
 - 18 Page 7, line 9, delete "applies" and insert "**apply**".
 - 19 Renumber all SECTIONS consecutively.
- (Reference is to ESB 217 as printed April 1, 2005.)

Representative Brown T